

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900 00/2

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HRES

SB

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SB

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Signature of Camera Operator


Date

Handwritten letters 'Z' and '7' in a light, sketchy style. The 'Z' is formed with three strokes: a top horizontal stroke, a diagonal downstroke, and a bottom horizontal stroke. The '7' is formed with two strokes: a diagonal downstroke and a horizontal base stroke.

Handwritten letter '2' in a light, sketchy style, formed with a single continuous stroke that starts at the top right, curves down and left, then curves back up and right.

Handwritten letter 'B' in a bold, black, serif style. It features a vertical stem on the right and two rounded bowls on the left.

Handwritten letter 'S' in a bold, black, serif style. It is formed with a single continuous stroke that curves from the top right, down, and then up to the right.



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

SUMMARY OF HCSSB 273 (Resources)

The Committee Substitute would allow DNR to dispose for sale up to 20% of the state land base in an area having a radius of five miles from the center of an unorganized community.

The community would determine where the radius point would be, and once determined that point would be a permanent one for the purposes of this section.

Agricultural land is not to be counted as land disposed for sale in a community under this legislation. Leases, material sales, and access for pipelines and utility corridors are not included as sales either.

Additional land can be sold by the state in the area if the community lends its' approval.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 3-21-86

REQUEST

Bill/Resolution No. : SB 273
 Title : Classification of State
 Land for Retention.
 Sponsor : Senate Resources
 Requestor : House Resources
 Date of Request : 3-21-86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Land & Water Management
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Mike Vediner *[Signature]* Phone : 465-2400
 Division : Land & Water Mgmt Date : 3-21-86

Approved by Commissioner : *[Signature]* Date : 3/22/86
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 273
 Title: Classification of State Land
for Retention
 Sponsor: Resources Committee
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC
 BRU, Program or Subprogram(s) Affected:
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact

Prepared By: Mike Vediner Phone: 465-2400
 Division: Land and Water Management Date: April 24, 1985
 Approved by Commissioner: Ned Foy Date: April 24, 1985
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 273 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled. "An Act relating to classification of state land for
7 retention, and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 38.04.020(c) is amended to read:

10 (c) Land to be retained in state ownership may be classified by
11 the commissioner into multiple-use management categories under AS 38.-
12 05.300. Land outside a municipality to be retained in state ownership
13 consists of land classified for retention in state ownership by the
14 commissioner by July 1, 1989 [1985]. Land conveyed to the state by
15 the federal government that is to be retained in state ownership
16 consists of land classified by the commissioner within two years of
17 receipt of tentative approval or patent, whichever occurs first.
18 State land not classified for retention in state ownership or selected
19 by a municipality under this section shall be classified and included
20 in the land disposal bank. The commissioner shall ensure that the
21 bank includes at least 500,000 acres.

22 * Sec. 2. AS 38.04.020 is amended by adding a new subsection to read:

23 (1) Unless disposal is approved by the community, the commis-
24 sioner shall classify for retention and not for disposal state land
25 within a five-mile radius of a point within a community that has been
26 established by the community if the sale of state land would cause the
27 total amount of state land sold within the community to exceed 20
28 percent of the total state land within the community. This subsection
29 does not prevent the commissioner from entering into leases, timber or

1 material sale, or a disposal of land for pipeline or utility cor-
2 ridors. This subsection does not apply to state land classified as
3 agricultural. In this subsection, "community" means an unincorporated
4 community eligible for revenue sharing under AS 29 in the unorganized
5 borough.

6 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
7 10.070(c).
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Introduced: 4/8/85
Referred: Resources

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 273

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

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23 10.070(c).

Bradley/Cramer
5/7/85

Original sponsor: Resources Committee

1
2 IN THE SENATE

BY THE RESOURCES COMMITTEE

3 HOUSE CS FOR SENATE BILL NO. 273 (Resources)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

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25 sioner shall classify for retention and not for disposal state land
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27 established by the community if the sale of state land would cause the
28 total amount of state land ^{SOLD} within the community to exceed 20 percent
29 of the total state land within the community. This subsection does
not prevent the commissioner from entering into leases, timber or

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* material sale, or a disposal of land for pipeline or utility corridors. This subsection does not apply to state land classified as agricultural. In this subsection, "community" means an unincorporated community eligible for revenue sharing under AS 29 in the unorganized borough.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA. 99811
(907) 465-4907

Senate Committee on Resources

M E M O R A N D U M

April 23, 1985

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff *MEU*

RE: SB 273
"An Act relating to classification of state land for retention; and providing for an effective date."

This bill extends the date by which the Commissioner of Natural Resources must classify land for retention in state ownership. The date is changed from July 1, 1985 to July 1, 1989.

The reason for this change is to allow the department to focus on the Federal land use plans which are currently being drafted. These plans will have a tremendous effect on the state in years to come and there is a strong perception that the state is not taking full advantage of the opportunity to influence these plans.

Backup material from the Department is attached. The fiscal note for this bill is zero.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

APR 23 1985

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE:

April 23, 1985

The Honorable Arliss Sturgulewski
Chairman, Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

I am writing to provide you with a our comments on SB 273, relating to classification of state land, which will be heard in your committee on Wednesday, April 24, 1985.

This bill would move the deadline contained in AS 38.04.020(c) for classification of state land outside of municipalities from July 1, 1985 to July 1, 1989. The department has no objection to this proposal, but will comply with the existing statutory deadline, as follows.

As you know, the department is in the process of adopting two major area plans covering the entire Tanana and Susitna basins, within which the plans designate primary and secondary land uses. I am pleased that we now have these documents to guide land classification in these most populated regions. We also have adopted an area plan for state lands in the Bristol Bay region.

Outside of these area plan basins the state has an estimated 32,000,000 acres of patented and tentatively approved land which must be classified under the law. Consequently, over the past six weeks, the department has completed the required agency and public notice to classify these lands for Resource Management, which provides for retention in state ownership under our general multiple use category. These lands may be reclassified under AS 38.05.300 and 11 AAC 55, at such time as the public interest warrants, and Resource Management land is open to mineral entry under 11 AAC 55.040(e). In addition, area plans are scheduled for completion over most of these regions in the next few years and they will provide more detailed land use designations for the purpose of reclassification. A schedule of upcoming area plans is enclosed.

Interagency review of this action included the departments of Fish and Game, Environmental Conservation, Community and Regional Affairs, and Commerce and Economic Development, as

Senator Sturgulewski

-2-

April 23, 1985

well as the various divisions within DNR. This review was followed by notices in some 20 newspapers and posting in 25 local post offices, together with legal notice to all municipalities and native corporations proximate to any of the subject lands.

I am enclosing a copy of our Land Planning Report which provides the basis and rationale for this classification action. Please let me know if I may provide any further information.

Sincerely,

Bob Arnold, Deputy

f Esther C. Wunnicke
Commissioner

cc: Tom Hawkins, Director, Division of
Land and Water Management

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND AND WATER MANAGEMENT
POUCH 7-005, ANCHORAGE, ALASKA 99510

NOTICE OF CLASSIFICATION

Pursuant to AS 38.05.945(b), Notice is hereby given that the Alaska Division of Land and Water Management proposes to classify all unclassified patented and tentatively approved state land outside municipalities as resource management land. State land also excluded from this classification is in the Bristol Bay, Tanana Basin and Southeast Tideland Plan regions, where plan classifications are completed or nearing completion. There are 236,160 acres to be classified resource management in Southeast Alaska, 3,514,880 million acres in the Copper River Basin and Prince William Sound, 11,461,909 million acres in the Mid-Kuskokwim River area, and 12,069,760 million acres in the remainder of Interior Alaska. Land use plans which will recommend more detailed future classification of this land are scheduled for most of these state lands. The maps and background information for this classification may be seen at the following addresses:

Northern Region
4420 Airport Way
Fairbanks, Alaska

Southcentral Region
3601 "C" Street
Anchorage, Alaska

Southeast Region
400 Willoughby Avenue
Juneau, Alaska

If requested prior to the end of the comment period, an extended period of 5 working days will be allowed at the request of at least (25) Alaskan residents in accordance with 11AAC55.250. Any comments, objections, or expressions of interest regarding these proposed actions must be received by the Division of Land and Water Management on or before 4:30 p.m., April _____, 1985 in order to be considered.

other resource management purposes is estimated at another 2 million acres. Excluding legislative withdrawals of about 4 million acres and the previously mentioned classifications, it is estimated that there are about 32 million acres of unclassified land outside municipalities which are herein proposed for resource management classification. This will not include an estimated 100,000 acres that are now being proposed for settlement and agricultural classification.

Future area plans outside municipalities will cover the Copper River Basin, Prince William Sound, Northwest Alaska, the pipeline corridor and the mid Kuskokwim area.

Land Use Plans

The basis of all land classification actions, as required by AS 38.04.065, are land use plans prepared by the Department of Natural Resources. Land use plans provide guidance for use and development of state land and resources. Statutes provide that land use plans be consistent with local governmental land use plans to the maximum extent determined to be consistent with state interests. Classification is a required part of the formal implementation of plans. The department prepares three levels of land use plans as the basis for classification: area plans, management plans, and land planning reports.

Area plans, such as the 11 million acre Bristol Bay Area Plan, cover relatively large regions of the state. With participation by agencies and the public, resources are identified and land use values are determined. The plans allocate state land for primary and secondary uses. To ensure multiple use and avoid conflict, the allocations are accompanied by management objectives and guidelines which give direction to land managers and provide the criteria for applying specific land classifications. State land and water may not be closed to multiple purpose use if the area involved contains more than 640 acres.

Management plans, such as the 45,000 acre Fish Creek Plan, are more detailed than area plans, usually cover much smaller areas, and are based on and implement area plans. The primary purpose of management plans, however, is to facilitate actual resource development and use. Management plans include functions such as agricultural parcel lot layout, the location of a road system to harvest timber, and determining which lands within an agricultural area will remain as buffers for stream protection. As with area plans, the management objectives and guidelines give direction to land managers and provide criteria for specific land classification.

In this situation, where no plan exists or where a plan will not be completed by July 1, 1985, a land planning report is prepared for land classification actions. In such reports, the land and resource use factors are considered. Public notice is given and comments from agencies and the public are solicited. The process may include public meetings if requested but no resource planning team is formed.

Effect of Classification

AS 38.05.300(a) provides: "This section does not prevent reclassification of land where the public interest warrants reclassification nor does it preclude multiple purpose use of land wherever different uses are compatible." The resource management classification is a strictly multiple use classification where primary uses have not been established. Resource management allows surface leasing, mining claims, sale of materials, oil and gas leasing, and other forms of disposal of interest. Public notice must be given prior to classifying or reclassifying land (AS 38.05.945).

Present classification regulations do not close land to mineral entry and no classification now requires the use of leasehold location for locatable mineral entry, except that all lands previously classified under categories which close or required the use of leasehold location retain that requirement until they are reclassified. Since no existing classification will be changed by this action there will be no effect over mineral claim or use.

Existing Land Use and Ownership Patterns

State land outside municipalities is generally unaccessible and remote. Use of the land, therefore, is generally not intensive. Most existing uses consist of hunting, fishing, trapping, recreation and subsistence. Prospecting takes place and some placer mining not dependent on developed transportation occurs. Use of timber is primarily for house logs and fuel.

The ownership patterns are primarily a mixture of federal, state and Native village and regional corporations. Private land other than Native corporation land consists of scattered Native allotments, entry under the federal land laws and small amounts of state land conveyed under the remote parcel and lottery programs. The attached maps show the location of the public and Native ownership patterns in relationship to the state patented and TA's lands.

Resource Potential

The Statewide Natural Resources Plan summarizes statewide resource policies for each resource use under the department's management authority, as well as, the department's policies for managing fish and wildlife habitat and transportation. Because of the statewide resources plan's broad scale and the general nature of its resource value designations, it is not intended to be used as the sole basis for classifications. It is referred to, however, for guidance in the preparation of other more detailed land use plans. The statewide resource plan is contained in the official file for this classification action for the purpose identifying the general resource values in this land planning report. It may be seen at any regional office of the division, or it may be available upon request from the Resource Allocation Section, Division of Land and Water Management, Pouch 7-005, Anchorage, Alaska 99510.

Resource Goals and Objectives

The Statewide Natural Resources Plan provides goals and objectives for the major resource categories in the state. Land and resource uses conveyed in the plan include agriculture, fish and wildlife habitat, forestry, minerals, coal, geothermal, oil and gas, recreation, settlement, transportation and water. The plan is subject to revision and updating. Copies of the plan also may be viewed at the regional offices of the Division of Land and Water Management.

Land Use Designations

The Statewide Natural Resources Plan, Appendix II, Designation Units identifies primary and secondary land uses. As previously mentioned, however, these designations are not intended to be the sole basis for classification. The resource management classification allows leasing of state land, issuance of remote cabin permits and the sale of more than 10 mbf of timber to an individual purchaser. The resource management classification does not allow the sale of land or an interest in land. These designations in the statewide plan do not apply where they have been replaced by area plans.

Mineral Potential

Mineral potential is generally identified in the Statewide Natural Resources Plan. No state land will be closed to locatable mineral entry or restricted to mining by leasehold location by this classification action. Neither does classification affect mineral leasing under AS 38.05.135 - AS 38.05.184, including coal, oil and gas.

Management Guidelines

The Statewide Natural Resource Plan contains management guidance and management intent in Appendix II by designation unit. These guidelines represent department policies to guide actions of the department when making land use and management decisions. These guidelines help ensure compatibility among competing land uses. The resource management classification is fully multiple use and does not emphasize any particular use as being primary. Area plans may define primary or secondary uses in the future or other information may become available which would warrant a more specific classification, but in the meantime, no land or resource use options, except sale of land, are foreclosed.

State Planning Efforts — an Overview

On-going and Future Area Planning Efforts:

- Copper River Area Plan. now underway. scheduled for completion in FY87
- Southeast Tidelands Area Plan. Phase I. now underway. scheduled for completion in FY85
- Southeast Tidelands Area Plan. Phase II. scheduled to begin in FY85 and end in FY87
- Prince William Sound Area Plan. scheduled to begin in FY85 and end in FY87
- Northwest Alaska Area Plan. scheduled to begin in FY86 and end in FY88
- Kuskokwim Basin Area Plan. scheduled to begin in FY86 and end in FY88
- Unscheduled Area Plans
- Tanana Basin Area Plan approved in April 1985
- Susitna Area Plan approved in April 1985
- Willow Subbasin Area Plan approved in October 1982
- Management plans for several areas in the Susitna Valley and state forests in Haines and the Tanana Valley



RECORDS CERTIFICATION



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James O. Smith
Signature of Camera Operator

9/5/89
Date

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Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
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VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA, 99811
(907) 465-4907

Senate

Committee on Resources

TO: Senate Resource Committee Members March 17, 1986

FROM: Senate Resource Committee Staff

MEU

RE: Committee Substitute for Senate Bill No. 294 (Resources)
"An Act relating to guiding; and providing for an effective date." and
SCR 18 Relating to the Guide Licensing and Control Board.

The guide board will sunset on June 30th of this year unless its term is extended. SB 294, introduced by this committee, extends the life of the board until 1990. The bill also rewrites many of the guide statutes to try to cleanup the problems that have been associated with industry and the board.

SCR 18 is a resolution by Senator Faiks that urges the guide board to make a number of regulatory changes related to its meetings and to the assigning of exclusive guide areas. A number of these changes are statutorily addressed in SB 294, however, there is no conflict between the bill and the resolution and they work well together as companions.

The Alaska Professional Hunters' Association, representatives of the Air Taxi industry, the Division of Fish and Wildlife Protection, the Governor's special assistant for Boards and Commissions, and the Division of Occupational Licensing are some of the groups or people that have been consulted in the

preparation of this bill. This is not to suggest that everyone consulted agrees with all parts of this bill, and it is hoped there will be testimony from a number of these groups at the public hearing where they can point out any specific concerns.

Since the original bill was prepared, Legislative Audit has done a sunset performance report on the guide board. In the audit, a number of recommendations were made to improve the performance of the board. Many of these areas were already addressed in the bill and in the proposed committee substitute, we have tried to address the remainder of those problems that can be helped by statutory change. In the brief sectional analysis later in this memo, each of the audit's statutory recommendations is discussed.

Committee members have previously been given copies of SCR 18, SB 294 and the proposed CS for SB 294 and copies of the sunset performance report on the Guide Board.

An updated brief sectional analysis of the new CS follows. One of the main differences between this CS and the previous one is additional clarification in the definition of "guiding" to make certain that it does not adversely effect legitimate outfitters. Senator Coghill's office also suggested a number of amendments which have been incorporated.

Sectional Analysis

March 17, 1986

Committee Substitute for Senate Bill No. 294 (Resources)

"An Act relating to guiding; and providing for an effective date."

Section 1 - deletes "licensing and control" from the name of the board.

Section 2 - extends the life of the board to June 30, 1990.

Section 3 - adds intent language that increases game management considerations to the section that establishes the guide board. The audit approves of this change (pg 16, item A-1). Additional new language clarifies that for administrative purposes, the board is in the Department of Commerce. In the original bill, the number of guides on the board was changed from no more than three to no less than three. The audit (pg.16, item B-1) said this had the potential of expanding the number of industry members at the expense of public participation. The CS deletes this change.

Section 4 - is a technical revision dealing with terms of office.

Section 5 - is a new section that establishes a quorum requirement of four and requires a majority vote (4) of the full membership of the board for approval of changes to regulations, licenses or restricted guide areas.

Section 6 - amends the powers and duties of the boards. There are three substantive changes. The first amends subsection (a)(1) to allow the board to administer oral examinations to applicants with a limited ability to read or write English. The second adds "consistent" to the requirement in subsection (a)(8) that the procedure for limiting the number of guides operating in a designated game unit be "equitable and reasonable". The audit approves of this change (pg 16, item A-2). The third would require the board to have two meetings per year, one in Anchorage and one in another city.

Section 7 - the special guide license section is repealed and reenacted to provide more detailed criteria for the license.

Section 8 - amends the qualifications for a registered guide license by allowing a person who has served as a special guide for three years and meets all other criteria to become a registered guide.

Section 9 - Clarifies the limitations of an assistant guide license. It specifies that assistant guides may not contract for hunts and that assistant guides must be employed and supervised at all times while the assistant guide is in the field. The audit approves of this change (pg 16, item A - 4).

Section 10 - sets license fee structure for guide licenses in accordance with AS 08.01.065 under the Department by regulation.

Section 11 - is a new section requiring the registered guide exam to be given at least twice a year. At least once every other year the location of the exam has to be somewhere other than Anchorage.

Section 12 - is a new section that specifies licenses expire biennially on a date specified by the department.

Section 13 - is a new section that requires the board to adopt uniform and consistent criteria to be used in assigning restrictive guide areas and specifies a number of the criteria to be used. The assignment and transfer of restricted areas has been a particular problem for the Guide Board in the past. This section also allows a guide to transfer a guide area if the guide has had the area for over five years. This time requirement is designed to limit speculation in guide areas. It would also allow a person to transfer to a son or daughter who had worked in the business and wanted to continue (pg. 16, item A - 2). The section further disallows the sale of restrictive guide areas.

Section 14 - under existing law the board can only consider complaints of unethical or incompetent guide practices after receipt of three separate complaints. The original bill contained a provision that would have required those complaints to be received in the five years prior to the hearing. The audit said this made a bad situation worse. In the CS, the five year requirement has been dropped and the section modified to allow the board to hold a hearing on any complaint. This five year limit was not related to the five year requirement mentioned above. A new subsection has also been added to require the board to hold a hearing on any complaint filed concerning a life threatening situation. See audit (pg 16, item B-2).

Section 15 - sets out the offenses for which the board may revoke, suspend, or deny renewal of a license.

Section 16 - sets out the offenses for which the board is required to revoke a license. The audit (pg.17, item B-4), expressed concern that amendments to this section might unnecessarily restrict the offenses upon which the board can take disciplinary action. This is wrong. Nothing in this section is a limitation on the board's power, the new language adds offenses for which license revocation is mandatory.

Section 17 - clarifies that a person may not engage in guiding during a period of license revocation or other disciplinary action, nor can the person work for another guide during the period. It also forbids someone knowingly hiring a person as a guide while that person's license is revoked or suspended.

Section 18 - This section establishes that a certified copy of judgement of conviction is conclusive evidence of the commission of that crime and upon receipt of two such judgements of a guide for offenses listed under AS 08.54.200(c)(3) the board shall immediately suspend the guide's license until disciplinary proceedings are concluded.

Section 19 - lists a series of specific acts related to guiding that are unlawful and specifies the penalties for these acts.

Section 20 - is the definition section. The definition of "guide" is expanded to to clarify that persons who provide strictly transportation, property, or equipment in connection with locating or taking game are not guiding. The intent of this section is that a person who is physically present in the field while another person locates or takes game and who receives or expects remuneration for this or any other activity connected with the hunt is guiding. The new CS clarifies that "in the field" does not include being present at a lodge or camp. The definition is designed to allow legitimate transportation services and outfitters to continue to provide services but to prohibit them from actually accompanying hunters into the field where illegal guiding may take place. The definition of unethical conduct is expanded, and a definition of big game is added.

Section 21 - Class A assistant guides are added to the list of master guides, registered guides and assistant guides that nonresidents may be accompanied by.

Section 22 - allows the board to expand this list by regulation.

Section 23 - is cleanup drafting related to the repeal of AS 16.05.407(c) (discussed in Section 28).

Section 24 - adds the Guide Board to the list of boards and commissions in AS 39.50.200(b).

Section 25 - is the repealer section. AS 08.54.040(b) deals with oral exams and is replaced in this bill with AS 08.54.040(a)(1). AS 08.54.142-146 were the transporter sections. AS 16.05.407(c) repeals a section that made it unlawful to import polar bear hides into Alaska unless personally accompanied by a guide. Polar bears are currently managed by the federal government.

Section 26 - is a July 1, 1986 effective date.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 294 (Res) am
 Title : An Act relating to guiding

Sponsor : Resources Committee
 Requestor : House Resources
 Date of Request : 4/17/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

Prepared by : Captain James R. Nutgrass
 Division : Fish & Wildlife Protection

Phone : 269-5509
 Date : 4/14/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 4/16/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSSB 294 (Res) am

SUPPORT

April 14, 1986

CSSB 294 (Res) am - "An Act relating to guiding."

The Department of Public Safety supports CS for Senate Bill No. 294, an act relating to guiding.

Since the initial inception of the guide statute there has been a substantial increase in the level of professionalism that has been obtained within the guide industry. The state has gained in more recent years an acceptable level of compliance to the hunting and guiding laws. We believe that it is very critical that a guide bill be enacted if we are to maintain a level of professionalism that has been experienced within the guide industry in recent years.

Presently the state is experiencing an increase in the number of outfitters/transporters operating hunting businesses in the state of Alaska.

In addition, there have been individuals who have recently been apprehended for providing guide service without being properly licensed as Alaskan guides. The Division of Fish and Wildlife Protection is closely monitoring and evaluating information and complaints received regarding guiding activities being performed by non-licensed individuals. It is extremely difficult to enforce or apprehend an unlicensed individual who does, in fact, provide all services that a licensed guide can under the provisions of the law. The professional guide is presently highly regulated, and to eliminate the regulatory responsibilities that have been imposed on the guiding industry would more than likely have an adverse affect on the commercial utilization of the state's resource.

Page 1, Line 16-18: We believe the purpose of licensing and regulating the activities of guides should be in the interest of promoting professionalism within the guide industry and to insure that quality, ethical and legal hunts are provided to clients consistent with the management of the state's wildlife resources.

Page 1, Line 24-25: Delete new wording.

Comments: Title 08.01.050(a) 1-18 provides that the Department of Commerce and Economic Development shall provide administrative and budgetary service to the Guide Board.

Page 2, Line 29, Page 3, Line 1 & 2: It is recommended that paragraph (5) collect and maintain records of hunts conducted by guides be deleted.

Comments: This responsibility should be under the authority of the Department of Commerce, as they are already physically maintaining all documentation and records of hunts conducted by guides.

The Guide Board should not have the responsibility or authority by statute or by regulations adopted by the Board to maintain or dictate the use or exclusion of documents relating to guiding to state agencies responsible for the enforcement of the regulations or statutes.

Page 3, Line 20-23: SPECIAL GUIDE LICENSE.

Comments: This bill does not address the responsibility that can be carried out by a special guide. Can a special guide conduct and book guided hunts independent from a registered or master guide, etc.? Is there a listing of specific species of marine mammals that a special guide may guide clients for? AS 16 would not provide for a special guide to conduct guided hunts for polar bear with non-resident clients. It does not appear that the state will in the near future have the management responsibilities for any specified marine mammals.

Page 4, Line 11 (5): We recommend the following wording has not been convicted of a state or federal game or guiding law during the previous five years.

Page 4, Line 17 (2): The residency requirement was repealed, however, in unlawful acts, AS 08.54.210 (5), a registered guide is required to have a resident hunting license.

Page 5, Line 3-4: How does a special guide document or report his guiding activity? Does he submit statements of financial remuneration?

Page 5, Line 14 (10): We recommend that or special guide be inserted after "assistant guide" and before "whose". A special guide should also meet the requirements of being favorably recommended by clients.

Page 8, Line 2-3: AS 08.54.200: Recommend adding the words or federal after "state" and before "hunting".

Page 8, Line 26: (A) Waste of animal.

Comments: There is currently no violation for wanton waste in the guide statute or regulations. A person who kills a wild food animal and fails to salvage the meat per 16.30.010 would be in violation of wanton waste, not the guide.

Page 9, Line 5: (B) An area closed by the board.

Comments: We recommend that the following wording be deleted "The Board". Recommend the following wording: hunting in an area closed to hunting by either state or federal regulations. A professional guide should have to obey and respect closed areas, even if they are federal

regulations. A professional guide should not have immunity from Guide Board action if apprehended in KATMAI NATIONAL PARK, MCKINLEY PARK or any federal park closed to hunting.

Page 9, Line 11: Recommend that the word knowingly be deleted.

Comments: A guide has a professional responsibility to know in hiring a person the status of his guide license. We should not have a greater burden of proof.

Page 10, Line 8: Recommend adding the words or federal after "state" and before "fish".

Section 05.54.210 Unlawful Acts.

Page 10, Line 12 (2): We recommend that the words commit or be added after "to" and before "aid".

Page 10, Line 13 (2): We recommend that .05 be deleted. Delete .05 after "AS 16" and before "or".

By having the wording AS 16, it would then include WANTON WASTE under AS 16.30.010 and be consistent with the proposed section of this bill (c)(3)(A) wanton waste.

Page 10, Line 19 (3): Add having the appropriate license that is issued after "without" and before "under".

Comments: We have experienced where a licensed assistant guide did in fact contract for a guided hunt and did independently guide a client on a guided hunt in 1985. This individual was apprehended and prosecuted through the federal court. The Department of Law declined state prosecution. The current wording of Title 8, Unlawful Acts, does not provide for prosecuting an assistant or Class A guide who is licensed, but does act in the capacity as a master or registered guide.

In this case, the licensed assistant guide did assist the client in taking a brown bear the same day as being airborne and in the middle of Katmai National Monument. On completion of the federal prosecution, this case was presented to the Department of Commerce for civil litigation concerning the assistant guide's license. This is a good example of why federal violations should be included in this bill, otherwise flagrant violations such as this can occur and the licensed assistant guide is immune from civil action by the Guide Board. In addition, this type of individual, once he meets the requirements for registered guide, could, in fact, be so licensed as the federal violation would not be considered.

Page 10, Line 27 (4): Recommend adding having a current and appropriate license after "without".

Page 10, Line 29 - Page 11, Line 2 (5): This paragraph requires a "resident" hunting license, but the residency requirements have been repealed from the bill.

Comments: We presently do have non-residents who are licensed assistant guides. Once they meet the registered guide requirements and pass the necessary test, they can be legally licensed, even though they are non-residents. This bill provides for a person who is a non-resident, but who has obtained a registered guide license, to be convicted of a felony for not having a valid Alaskan resident hunting license. This section appears to be in conflict with other sections which delete the residency requirement for obtaining a guide license. This could create a legal problem which may not be prosecutable.

Page 11, Line 12 (7)(b): Add WITHOUT APPROPRIATE LICENSE OR after "activity" and before "during".

Page 12, Line 11: Delete..."or being present in the field for the purpose of providing meat packing services for the big game animal only after the animal has been killed."

One of the major problems facing Fish and Wildlife Protection today is the increasing number of unlicensed guiding operations developing in the state under the guise of transporting and/or outfitting. To successfully prosecute we must be able to determine what is occurring in the field between the unlicensed guide and the hunter, i.e., is the hunter being personally accompanied and directed by the unlicensed guide. The only way we have been successful in these cases is by placing undercover hunters in the camp of the suspect operation. This is a very time consuming and expensive operation. Under the current guide definition the unlicensed guide can be "in the field" with the hunter providing he is not personally accompanying and directing the hunter.

Consequently, a guide or guiding definition which would allow only a licensed guide to be present in the field with the hunter would greatly enhance our ability to enforce the guiding statutes and regulations and to better prevent the occurrence of unlicensed guiding activity.

We would therefore request the removal of any part of the definition which would allow a person to be present in the field with a hunter if there was a financial or mutual arrangement for hunting services and if that person is not a licensed guide.


Robert J. Sundberg

* = Changes in CS

Hein
4/29/86 ✓

Original sponsor: Resources Committee

out = language out
new = new language
change = different language

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 294 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986]).

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
17 purposes of licensing and regulating the activities of guides in the
18 interest of the state's wildlife resources there [THERE] is created
19 the Guide [LICENSING AND CONTROL] Board consisting of seven members.
20 No more than three members of the board shall hold or have held a
21 * registered, *master, or *class A assistant guide license. The other
22 members must [SHALL] have a general knowledge of the game resources of
23 the state and may not have a vested interest in the guiding industry.
24 A minimum of 10 years residence in the state is required for all
25 members of the board. For administrative purposes, the board is in
26 the Department of Commerce and Economic Development.

27 * Sec. 4. AS 08.54.020 is amended to read:

28 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
29 the board shall be appointed by the governor and confirmed by the

new
*

1 legislature for staggered terms of three years or until their succes-
 2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR
 3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]
 4 A member may be removed at the pleasure of the governor.

5 * Sec. 5. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
 7 board constitute a quorum for the transaction of business, for the
 8 performance of a duty, and for the exercise of any power under this
 9 chapter. The board may not adopt a regulation, revoke, suspend, or
 10 deny renewal of a license, or assign, modify, or revoke a restricted
 11 guide area unless the action is approved by a vote of a majority of
 12 the full membership of the board.

13 * Sec. 6. AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may
 16 include oral examinations of applicants who demonstrate limited abil-
 17 ity to read or write the English language;

18 (2) determine [AND PASS ON] qualifications of applicants
 19 for licenses and authorize the issuance of licenses to those who
 20 qualify;

21 (3) establish guide performance standards and regulate
 22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]
 24 register of master and registered guides who have not been convicted
 25 of a violation of a *[FEDERAL OR] state *[SPORT FISH,] game [,] or
 26 guiding statute or regulation; a guide listed in the register whose
 27 license is revoked or suspended shall be removed from the register
 28 while the guide's license is revoked or suspended;

29 (5) *[COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED

out
 * 25
 * 29
 relocate
 in bill

1 OR MASTER GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE
2 YEARS IMMEDIATELY PRECEDING THE PUBLISHING OF THE RECORD;

3 (6)] prohibit guiding activities which are unsportsmanlike,
4 unethical, unsafe, against principles of conservation, degrading to
5 the guiding profession, or which adversely affect the natural re-
6 sources;

7 (6) [(7)] after a hearing, revoke, suspend or deny renewal
8 of a license in accordance with AS 08.54.200;

9 (7) [(8)] establish a quota of licensed operating guides
10 who may operate within designated geographical game units or subunits
11 of the state and provide for an equitable, [AND] reasonable, and
12 consistent procedure for limiting the number of guides to that quota;
13 preference may * [SHALL] be given to qualified available and willing
14 licensed guides who reside within the designated game unit or subunit;

15 (8) meet at least twice annually, once in Anchorage and
16 once in another municipality.

17 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

18 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
19 special guide license to a person who applies to conduct a guided hunt
20 for a specific species of marine mammal in a specifically designated
21 area if the applicant

22 (1) is 21 years of age or older;

23 (2) has, for at least 10 years, resided and hunted in the
24 area of the state in which the applicant is to guide;

25 (3) is able to perform the * duties of a special guide;

26 (4) has demonstrated knowledge of the following areas to an
27 extent and degree satisfactory to the board:

28 (A) fish and game laws and regulations;

29 (B) relevant characteristics of the specific species

* Change

* out (see original Res. 05)

1 to be hunted;

2 (C) field preparation of trophies;

3 (D) care of game meat;

4 (E) use of guiding gear;

5 (F) firearm safety;

6 (G) practical first aid;

7 (H) booking and contracting hunts;

8 (5) has not been convicted of a game or guiding law viola-
9 tion during the previous five years;

*10 new (6) has not been convicted of a crime involving moral
11 turpitude.

12 * Sec. 8. AS 08.54.110 is amended to read:

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of
18 firearms, hunting, judging trophies, field preparation of trophies,
19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportation
21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared
23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-
25 dards of competence and ethical conduct and has not been convicted of
26 a crime involving moral turpitude;

*27 change (6) [(7)] has legally hunted in the state during any * [FOR
28 ALL OR PART OF EACH OF] five years in a manner directly contributing
29 to the person's experience and competency as a guide;

1 (7) [(8)] has been licensed as and performed the services
 2 of an assistant guide in the state for a part of each of three years,
 3 or has guided in the state for a part of each of three years under a
 4 special guide license issued under AS 08.54.045;

5 (8) [(9)] submits a written recommendation to the board
 6 from a registered guide for whom the applicant has worked ^{*}or from two
 7 registered guides; however, the requirements of this paragraph do not
 8 apply to a person who has guided under a special guide license for
 9 three years;

10 (9) [(10)] is capable of performing the ^{*}essential [PHYSI-
 11 CAL] duties associated with guiding [ACTIVITIES];

12 (10) [(11)] has been favorably recommended in writing by two
 13 hunters that the person has guided or assisted in guiding during each
 14 year of the person's three years as an assistant guide, whose recom-
 15 mendations have been solicited by the board from a list provided by
 16 the applicant [;

17 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
 18 REQUIRE].

19 * Sec. 9. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
 21 LICENSE. An assistant guide

22 (1) may not contract to conduct a guided hunt; and

23 (2) shall be employed and supervised by a registered or
 24 master guide at all times while the assistant guide is in the field on
 25 guided hunts.

26 * Sec. 10. AS 08.54.170 is amended to read:

27 Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce
 28 and Economic Development shall set license fees under AS 08.01.065 for
 29 each of the following:

- 1 (1) master guide;
 2 (2) registered guide;
 3 (3) class A assistant guide;
 4 (4) assistant guide;
 5 (5) special guide [TRANSPORTER].

6 (b) The license fee for a master guide, registered guide, spe-
 7 cial guide, class-A assistant guide, or assistant guide license is in
 8 addition to the fee required for a hunting or fishing license.

9 * Sec. 11. AS 08.54 is amended by adding a new section to read:

10 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
 11 administer the qualification examination required under AS 08.54.110
 12 at least twice a year. An examination may not be given within 90 days
 13 after the previous exam. At least once every other year the board
 14 shall give the examination at a location other than Anchorage.

15 * Sec. 12. AS 08.54.190 is amended by adding a new subsection to read:

16 (d) A master guide, registered guide, special guide, class-A
 17 assistant guide, or assistant guide license expires biennially, on a
 18 date set by the Department of Commerce and Economic Development.

19 * Sec. 13. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.195. RESTRICTED GUIDE AREAS. (a) Under AS 08.54.-
 21 040(a)(8), the board may establish and assign restricted guide areas
 22 for master guides or registered guides. The board shall adopt regula-
 23 tions "under the Administrative Procedure Act (AS 44.62)" that establish
 24 uniform and consistent criteria, including a point system, to be used
 25 by the board when it establishes and assigns a restricted guide area.

26 (b) The board shall consider the following factors before it
 27 assigns a restricted guide area:

28 (1) the extent to which the guide who has applied for the
 *29 *change* area has *guided in the game management unit in which the area is

1 located;

2 (2) the extent to which the guide occupied and invested in
3 the area;

* 4 *change* (3) the effects, ^{*} including the economic effect, on other
5 guides that would result from creation of the area;

6 (4) big game populations in the area;

7 (5) the land ownership status of the area; and

8 (6) other relevant facts or circumstances.

* 9 *new* * (c) The board may adopt regulations limiting the number of
10 clients with which a guide may contract for hunts in a restricted
11 guide area used by more than one guide.

* 12 *change* (d) Unless the board determines after a public hearing that it
13 is not in the public interest to do so, the board ^{*} may transfer a
14 restricted guide area to a person qualified for assignment who has
15 been recommended by the guide to whom the area was assigned, or by a
16 person authorized to represent the guide, if the recommendation is
17 made

18 (1) after five years have elapsed from the date of the
19 assignment of the guide area; or

20 (2) during the first five years after the date of assign-
21 ment and the guide has died or suffered a major disability, as defined
22 by the board.

* 23 *change* (e) A guide may not sell or ^{*} lease a restricted guide area. A
24 guide may sell or otherwise transfer a lodge, camp, or other lawful
25 improvement to property located in a restricted guide area. Sales
26 price may not exceed fair market value.

27 * Sec. 14. AS 08.54.200(a) is repealed and reenacted to read:

28 (a) The board shall hold a hearing to determine whether a li-
29 censee should be disciplined within a reasonable time after (1)

1 complaints concerning a licensee's guiding activities are filed with
 2 the board by three or more of the licensee's clients from separate
 3 parties; (2) a complaint concerning a guide's conduct during a life-
 4 threatening situation is filed with the board; or (3) a licensee has
 5 been convicted of a violation of a state hunting or guiding statute or
 6 regulation. The board may hold a hearing to determine whether disci-
 7 plinary action is necessary if a complaint concerning a licensee's
 8 guiding activities is filed with the board by a client of the li-
 9 censee.

10 * Sec. 15. AS 08.54.200(b) is amended to read:

11 (b) After a hearing, the board may revoke, suspend, or deny
 12 renewal of a license if the board finds that the licensee

13 (1) engaged in unethical activity, unsafe activity, or
 14 activity that [WHICH] adversely affects the natural resources of the
 15 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
 16 AND LEGITIMATE] purposes of the contract hunt; or

* 17 *omit* (2) violated a provision of a * [FEDERAL OR] state * [SPORT
 18 FISH,] game or guide statute or regulation.

19 * Sec. 16. AS 08.54.200(c) is amended to read:

20 (c) After a hearing, the board shall revoke a license if the
 21 board finds that the licensee

22 (1) does not meet the qualifications specified by statute
 23 or regulation for the class of license held;

24 (2) is incompetent as a master guide, registered guide,
 25 special guide, class-A assistant guide, or ~~assistant~~ guide;

26 (3) during the five years immediately preceding the hearing
 27 has been convicted of a violation [TWO VIOLATIONS] of a federal or
 28 state statute or regulation prohibiting

29 (A) waste of a wild food animal;

1 (B) hunting on the same day airborne; or
 2 (C) hunting during a closed hunting season; or
 3 (4) during the five years immediately preceding the hear-
 4 ing, has been convicted of two violations of a state statute or regu-
 5 lation prohibiting hunting in a restricted area not assigned to the
 6 licensee and without proper written permission * [SPORT FISH, GAME OR
 7 GUIDE STATUTES OR REGULATIONS].

8 * Sec. 17. AS 08.54.200(d) is repealed and reenacted to read:

9 (d) A person who is disciplined under this section may not
 10 engage in a guiding activity during the period of license revocation
 11 or disciplinary action. A person licensed under this chapter may not
 12 hire as a guide a person whose guide license is suspended or revoked
 13 under this section. A guide whose license is suspended or revoked may
 14 not guide in the employ of a person licensed under this chapter.

15 * Sec. 18. AS 08.54.200 is amended by adding new subsections to read:

16 (f) If a certified copy of ^{*}a judgment of conviction of a guide
 17 for an offense described under (c)(3) of this section, or for each of
 18 ^{*}two offenses under (c)(4) of this section, is filed with the board,
 19 the board shall immediately suspend the guide's license. The suspen-
 20 sion may be ordered even if the conviction resulted from a plea of
 21 nolo contendere or if the conviction is under appeal. The order
 22 remains in effect until after the final disposition of the disciplin-
 23 ary proceeding under this section.

24 (g) A certified copy of a judgment of conviction of a guide for
 25 an offense is conclusive evidence of the commission of that offense in
 26 a disciplinary proceeding instituted against the guide or outfitter
 27 under this section based on that conviction.

28 * (h) Within 30 days after a hearing under this section, the board
 29 shall notify the complainant of the results of the hearing, including

* out

* change

* change

* new

1 written reasons justifying a decision not to take disciplinary action.
 2 If the board decides not to hold a discretionary hearing, the board
 3 shall give the complainant written notice of its reasons within 30
 4 days after making the decision.

5 (i) In this section "two violations of a state statute or regu-
 6 lation" means two violations of a single statute or a single regu-
 7 lation, or violations of two statutes or two regulations, or one
 * 8 violation of a statute and one violation of a * regulation.

9 * Sec. 19. AS 08.54.210(a) is repealed and reenacted to read:

10 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

11 (1) a master guide, registered guide, special guide, class
 12 A assistant guide, or assistant guide to fail to timely report to the
 13 Department of Public Safety, division of fish and wildlife protection,
 14 and in no event later than 30 days, a violation of a state fish, game,
 15 or guiding statute or regulation that the guide reasonably believes
 16 was committed by a client or an employee of the guide;

17 (2) a guide to aid the commission of a violation of this
 18 chapter or of a state game or guiding statute or regulation or to
 19 permit the commission of a violation that the guide knows or reason-
 20 ably believes is being or will be committed without attempting to
 21 prevent it, short of using force, and without reporting it;

* 22 Rewrite (3) a person to guide without having a current valid guide
 23 license and resident hunting license in actual possession;

24 (4) a person to advertise as or represent to be a guide
 25 without holding a current valid guide license;

26 (5) a guide to intentionally obstruct or hinder or attempt
 27 to obstruct or hinder lawful hunting engaged in by a person who is not
 28 a client of the guide;

29 (6) a person to guide without being validly licensed as a

1 guide under this chapter and as a resident hunter under AS 16;

* 2 *New* * (7) an assistant guide to contract to conduct a guided
3 hunt;

* 4 *New* * (8) an assistant guide to be in the field on a guided hunt
5 except while employed and supervised by a registered or master guide.

6 * Sec. 20. AS 08.54.210(b) is amended to read:

* 7 *Change* (b) A person who violates * (a)(1) - (5) [(6)] of this section is
8 guilty of a misdemeanor and upon conviction is punishable by a fine of
9 not more than \$1,000 or by imprisonment for not more than one year, or
10 by both, and the person's license may be revoked for a period up to
11 five years. However, a person who engages in guiding [OR TRANSPORT-
12 ING] activity during the period for which the person's license is
* 13 *Change* suspended or revoked under this chapter, or who violates * (a)(6) - (8)
14 of this section, is guilty of a felony punishable, upon conviction, by
15 a fine of not more than \$5,000 and by imprisonment for not less than
16 one year nor more than three years. In addition to punishment for a
17 felony, all guns, fishing tackle, boats, aircraft, automobiles or
18 other vehicles, camping gear and other equipment and paraphernalia
19 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
20 during the period of suspension or revocation shall be seized [CON-
21 FISCATED] by persons authorized to enforce this chapter. [A PERSON
22 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
23 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
24 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
25 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
26 BOTH.]

27 * Sec. 21. AS 08.54 is amended by adding a new section to art. 3 to
28 read:

* 29 *Change* * Sec. 08.54.230. RECORDS OF GUIDED HUNTS. The Department of

1 Commerce and Economic Development shall collect and maintain records
 2 of hunts conducted by guides. The department shall make the records
 3 available to state and federal agencies charged with the enforcement
 4 of statutes and regulations relating to guiding or game if requested
 5 for enforcement purposes. For all other purposes, the records are
 6 confidential and are not subject to inspection or copying under
 7 AS 09.25.110 - 09.25.121.

8 * Sec. 22. AS 08.54.240 is amended to read:

9 Sec. 08.54.240. DEFINITIONS. In this chapter

10 (1) "big game" means brown bear, grizzly bear, polar bear,
 11 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
 12 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

13 (2) "board" means the Guide [LICENSING AND CONTROL] Board;

14 (3) [(2)] "guide" [, "GUIDES"] or "guiding" means accompan-
 15 ying or directing a hunter in the field, personally or through an
 16 assistant, for compensation or with the intent or an agreement to
 17 receive compensation, while the hunter or the person accompanying or
 18 directing the hunter spots, stalks, pursues, tracks, kills, or at-
 19 tempts to kill big game; in this paragraph, "in the field" does not
 20 include being present in a boat with living quarters or at a lodge or
 21 base camp [ASSISTING ANOTHER PERSON TO TAKE GAME WITH THE INTENT OF
 22 RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE SERVICES, BY
 23 ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR THROUGH A LI-
 24 CENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT, AND NOT SOLELY FOR
 25 THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

26 (4) [(3)] "resident" has the meaning given in AS 16.05.940
 27 [MEANS A PERSON WHO

28 (A) MAINTAINS A PLACE OF RESIDENCE WITHIN THE STATE;

29 (B) REPEALED

* Rewrite

(C) SHOWS BY ALL ATTENDING CIRCUMSTANCES THE INTENTION TO PERMANENTLY RESIDE IN THIS STATE];

new (5) [(4)] "restricted guide area" is a geographical area of the state the boundaries of which are determined by the board, and in which guided hunts may be conducted only by the guides to whom the area is assigned under AS 08.54.195 ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG];

(6) [(5)] "unethical activity" means

(A) deception or misrepresentation [IN ANY DEGREE] involving prospective or actual clients either before, during, or following a contract hunt, including misrepresentation through private or public advertising of the type, duration, cost or conditions of the contract hunt [HUNTS];

(B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMUNICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION, COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

(C)] making a guaranty that a species or certain number of species of game will be taken on a contract hunt;

change (C) engaging in unsafe or unsportsmanlike activities that are detrimental to the game resources of the state, as defined by regulations of the board, including violations of state hunting or guiding statutes or regulations; or

change * (D) accepting a deposit for guiding services without

1 providing before the hunt a signed contract to provide the ser-
2 vices.

3 * Sec. 23. AS 16.05.407(a) is amended to read:

4 (a) It is unlawful for a nonresident to hunt, pursue or take
5 brown bear, grizzly bear, polar bear, or sheep in this state, unless
6 personally accompanied by

7 (1) a person who is licensed as a master guide, registered
8 guide, class-A assistant guide or assistant guide by the Guide [LI-
9 CENSING AND CONTROL] Board; or

10 (2) a resident over 19 years of age who is

11 (A) the spouse of the nonresident; or

12 (B) is related to the nonresident, within and includ-
13 ing the second degree of kindred, by marriage or blood.

14 * Sec. 24. AS 16.05.407(d) is amended to read:

* 15 *act* (d) A nonresident who violates (a) [OR (c)] of this section, or *
16 who fails to furnish an affidavit under (b) of this section, is guilty
17 of a misdemeanor and upon conviction is punishable by imprisonment for
18 not more than one year, or by a fine of not more than \$5,000, or by
19 both.

20 * Sec. 25. AS 39.50.200(b) is amended by adding a new paragraph to
21 read:

22 (48) the Guide Board.

23 * Sec. 26. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
24 05.340(e) and 16.05.407(c) are repealed.

25 * Sec. 27. This Act takes effect July 1, 1986.
26
27
28
29

* = Difference in CS

Hein
5/1/86 ✓

Original sponsor: Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE
 2 HOUSE CS FOR CS FOR SENATE BILL NO. 294 (Resources)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - SECOND SESSION
 5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
 7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
 13 June 30, 1990 [1986].

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
 17 purposes of licensing and regulating the activities of guides in the
 18 interest of the state's wildlife resources there [THERE] is created
 19 the Guide [LICENSING AND CONTROL] Board consisting of seven members.
 20 No more than three members of the board shall hold or have held a
 21 registered, master, or class A assistant guide license. The other
 22 members must [SHALL] have a general knowledge of the game resources of
 23 the state and may not have a vested interest in the guiding industry.
 24 A minimum of 10 years residence in the state is required for all
 25 members of the board. For administrative purposes, the board is in
 26 the Department of Commerce and Economic Development.

27 * Sec. 4. AS 08.54.020 is amended to read:

28 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
 29 the board shall be appointed by the governor and confirmed by the

1 legislature for staggered terms of three years or until their succes-
2 sors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR
3 ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.]
4 A member may be removed at the pleasure of the governor.

5 * Sec. 5. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
7 board constitute a quorum for the transaction of business, for the
8 performance of a duty, and for the exercise of any power under this
9 chapter. The board may not adopt a regulation, revoke, suspend, or
10 deny renewal of a license, or assign, modify, or revoke a restricted
11 guide area unless the action is approved by a vote of a majority of
12 the full membership of the board.

13 * Sec. 6. AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may
16 include oral examinations of applicants who demonstrate limited abil-
17 ity to read or write the English language;

18 (2) determine [AND PASS ON] qualifications of applicants
19 for licenses and authorize the issuance of licenses to those who
20 qualify;

21 (3) establish guide performance standards and regulate
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]
24 register of master and registered guides who have not been convicted
25 of a violation of a [FEDERAL OR] state [SPORT FISH,] game [,] or
26 guiding statute or regulation; a guide listed in the register whose
27 license is revoked or suspended shall be removed from the register
28 while the guide's license is revoked or suspended;

29 (5) [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED

1 OR MASTER GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE
2 YEARS IMMEDIATELY PRECEDING THE PUBLISHING OF THE RECORD;

3 (6)] prohibit guiding activities which are unsportsmanlike,
4 unethical, unsafe, against principles of conservation, degrading to
5 the guiding profession, or which adversely affect the natural re-
6 sources;

7 (6) [(7)] after a hearing, revoke, suspend or deny renewal
8 of a license in accordance with AS 08.54.200;

9 (7) [(8)] establish a quota of licensed operating guides
10 who may operate within designated geographical game units or subunits
11 of the state and provide for an equitable, [AND] reasonable, and
12 consistent procedure for limiting the number of guides to that quota;
13 preference may [SHALL] be given to qualified available and willing
14 licensed guides who reside within the designated game unit or subunit;

15 (8) meet at least twice annually, once in Anchorage and
16 once in another municipality.

17 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

18 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
19 special guide license to a person who applies to conduct a guided hunt
20 for a specific species of marine mammal in a specifically designated
21 area if the applicant

22 (1) is 21 years of age or older;

23 (2) has, for at least 10 years, resided and hunted in the
24 area of the state in which the applicant is to guide;

25 (3) is able to perform the duties of a special guide;

26 (4) has demonstrated knowledge of the following areas to an
27 extent and degree satisfactory to the board:

28 (A) fish and game laws and regulations;

29 (B) relevant characteristics of the specific species

1 to be hunted;

2 (C) field preparation of trophies;

3 (D) care of game meat;

4 (E) use of guiding gear;

5 (F) firearm safety;

6 (G) practical first aid;

7 (H) booking and contracting hunts;

8 (5) has not been convicted of a game or guiding law viola-
9 tion during the previous five years;

10 (6) has not been convicted of a crime involving moral
11 turpitude.

12 * Sec. 8. AS 08.54.110 is amended to read:

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of
18 firearms, hunting, judging trophies, field preparation of trophies,
19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportation
21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared
23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-
25 dards of competence and ethical conduct and has not been convicted of
26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state during any [FOR
28 ALL OR PART OF EACH OF] five years in a manner directly contributing
29 to the person's experience and competency as a guide;

1 (7) [(8)] has been licensed as and performed the services
 2 of an assistant guide in the state for a part of each of three years,
 3 or has guided in the state for a part of each of three years under a
 4 special guide license issued under AS 08.54.045;

5 (8) [(9)] submits a written recommendation to the board
 6 from a registered guide for whom the applicant has worked or from two
 7 registered guides; however, the requirements of this paragraph do not
 8 apply to a person who has guided under a special guide license for
 9 three years;

10 (9) [(10)] is capable of performing the essential [PHYSI-
 11 CAL] duties associated with guiding [ACTIVITIES];

12 (10) [(11)] has been favorably recommended in writing by two
 13 hunters that the person has guided or assisted in guiding during each
 14 year of the person's three years as an assistant guide, whose recom-
 15 mendations have been solicited by the board from a list provided by
 16 the applicant [;

17 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
 18 REQUIRE].

19 * Sec. 9. AS 08.54.110 is amended by adding a new subsection to read:

20 (b) The commissioner of commerce and economic development may
 21 order that an applicant for an initial license under this section be
 22 allowed to take the license examination or be issued the license if,
 23 after reviewing a petition filed by the applicant, the commissioner
 24 finds that

25 (1) the board denied the applicant an opportunity to take
 26 the license examination, or refused to approve issuance of the li-
 27 cense;

28 (2) the board's denial or refusal was based on

29 (A) an error of fact by the board;

New

new }

(B) the applicant's failure of the license examination due to faulty or unfair examination questions or procedures; or

(C) an erroneous or false statement in a recommendation submitted under (a)(8) of this section;

(3) the applicant is otherwise qualified to take the examination or to be issued the license; and

(4) sustaining the board's denial or refusal would work a substantial injustice on the applicant.

* Sec. 10. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE LICENSE. An assistant guide

(1) may not contract to conduct a guided hunt; and

(2) shall be employed and supervised by a registered or master guide at all times while the assistant guide is in the field on guided hunts.

* Sec. 11. AS 08.54.170 is amended to read:

Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce and Economic Development shall set license fees under AS 08.01.065 for each of the following:

- (1) master guide;
- (2) registered guide;
- (3) class A assistant guide;
- (4) assistant guide;
- (5) special guide [TRANSPORTER].

(b) The license fee for a master guide, registered guide, special guide, class-A assistant guide, or assistant guide license is in addition to the fee required for a *out* hunting license.

* Sec. 12. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall

1 administer the qualification examination required under AS 08.54.110
 2 at least twice a year. An examination may not be given within 90 days
 3 after the previous exam. At least once every other year the board
 4 shall give the examination at a location other than Anchorage.

5 * Sec. 13. AS 08.54.190 is amended by adding a new subsection to read:

6 (d) A master guide, registered guide, special guide, class-A
 7 assistant guide, or assistant guide license expires biennially, on a
 8 date set by the Department of Commerce and Economic Development.

9 * Sec. 14. AS 08.54 is amended by adding a new section to read:

10 Sec. 08.54.195. RESTRICTED GUIDE AREAS. (a) Under AS 08.54.-
 11 040(a)(7), the board may establish and assign restricted guide areas
 12 for master guides or registered guides. The board shall adopt regula-
 13 tions* that establish uniform and consistent criteria, including a
 14 point system, to be used by the board when it establishes and assigns
 15 a restricted guide area.

16 (b) The board shall consider the following factors before it
 17 assigns a restricted guide area:

18 (1) the extent to which the guide who has applied for the
 19 area has guided in the game management unit in which the area is
 20 located;

21 (2) the extent to which the guide occupied and invested in
 22 the area;

23 (3) the effects, including the economic effect, on other
 24 guides that would result from creation of the area;

25 (4) big game populations in the area;

26 (5) the land ownership status of the area; and

27 (6) other relevant facts or circumstances.

28 (c) The board may adopt regulations limiting the number of
 29 clients with which a guide may contract for hunts in a restricted

*
 Dept
 Commerce

1 guide area used by more than one guide.

2 (d) Unless the board determines after a public hearing that it
3 is not in the public interest to do so, the board may transfer a
4 restricted guide area to a person qualified for assignment who has
5 been recommended by the guide to whom the area is assigned, or by a
6 person authorized to represent the guide, if the recommendation is
7 made

8 (1) after five years have elapsed from the date of the
9 assignment of the guide area; or

10 (2) during the first five years after the date of assign-
11 ment and the guide has died or suffered a major disability, as defined
12 by the board.

13 (e) A guide may not sell or lease a restricted guide area. A
14 guide may sell or otherwise transfer a lodge, camp, or other lawful
15 improvement to property located in a restricted guide area. Sales
16 price may not exceed fair market value.

17 * Sec. 15. AS 08.54.200(a) is repealed and reenacted to read:

18 (a) The board shall hold a hearing to determine whether a li-
19 censee should be disciplined within a reasonable time after (1) com-
20 plaints concerning a licensee's guiding activities are filed with the
21 board by three or more of the licensee's clients from separate
22 parties; (2) a complaint concerning a guide's conduct during a life-
23 threatening situation is filed with the board; or (3) a licensee has
24 been convicted of a violation of a federal or state hunting or guiding
25 statute or regulation. The board may hold a hearing to determine
26 whether disciplinary action is necessary if a complaint concerning a
27 licensee's guiding activities is filed with the board by a client of
28 the licensee.

29 * Sec. 16. AS 08.54.200(b) is amended to read:

* Change (was)

* in public safety

1 (b) After a hearing, the board may revoke, suspend, or deny
 2 renewal of a license, * and may withdraw a licensee's restricted guide
 3 area assignment, if the board finds that the licensee

4 (1) engaged in unethical activity, unsafe activity, or
 5 activity that [WHICH] adversely affects the natural resources of the
 6 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
 7 AND LEGITIMATE] purposes of the contract hunt; or

8 (2) violated a provision of a federal or state [SPORT
 9 FISH,] game or guide statute or regulation.

10 * Sec. 17. AS 08.54.200(c) is amended to read:

11 (c) After a hearing, the board shall revoke a license * and shall
 12 withdraw a licensee's restricted guide area assignment if the board
 13 finds that the licensee

14 (1) does not meet the qualifications specified by statute
 15 or regulation for the class of license held;

16 (2) is incompetent as a master guide, registered guide,
 17 special guide, class-A assistant guide, or assistant guide;

18 (3) during the five years immediately preceding the hearing
 19 has been convicted of a violation [TWO VIOLATIONS] of a federal or
 20 state statute or regulation prohibiting

21 (A) waste of a wild food animal;

22 (B) hunting on the same day airborne;

23 (C) hunting during a closed hunting season; or

24 * (D) hunting in an area closed by federal regulation;

25 or

26 (4) during the five years immediately preceding the hear-
 27 ing, has been convicted of two violations of a state statute or regu-
 28 lation prohibiting hunting in a restricted area not assigned to the
 29 licensee and without proper written permission [SPORT FISH, GAME OR

* new

* new

* new public safety

1 GUIDE STATUTES OR REGULATIONS].

2 * Sec. 18. AS 08.54.200(d) is repealed and reenacted to read:

3 (d) A person who is disciplined under this section may not
4 engage in a guiding activity during the period of license revocation
5 or disciplinary action. A person licensed under this chapter may not
6 hire as a guide a person whose guide license is suspended or revoked
7 under this section. A guide whose license is suspended or revoked may
8 not guide in the employ of a person licensed under this chapter.

9 * Sec. 19. AS 08.54.200 is amended by adding new subsections to read:

10 (f) If a certified copy of a judgment of conviction of a guide
11 for an offense described under (c)(3) of this section, or for each of
12 two offenses under (c)(4) of this section, is filed with the board,
13 the board shall immediately suspend the guide's license. The suspen-
14 sion may be ordered even if the conviction resulted from a plea of
15 nolo contendere or if the conviction is under appeal. The order
16 remains in effect until after the final disposition of the disciplin-
17 ary proceeding under this section.

* 18 *out* (outfitting) (g) A certified copy of a judgment of conviction of a guide *
19 an offense is conclusive evidence of the commission of that offense in
20 a disciplinary proceeding instituted against the guide under this
21 section based on that conviction.

22 (h) Within 30 days after a hearing under this section, the board
23 shall notify the complainant of the results of the hearing, including
24 written reasons justifying a decision not to take disciplinary action.
25 If the board decides not to hold a discretionary hearing, the board
26 shall give the complainant written notice of its reasons within 30
27 days after making the decision.

28 (i) In this section "two violations of a state statute or regu-
29 lation" means two violations of a single statute or a single

1 regulation, or violations of two statutes or two regulations, or one
2 violation of a statute and one violation of a regulation.

3 * Sec. 20. AS 08.54.210(a) is repealed and reenacted to read:

4 (a) It is unlawful for

5 (1) a master guide, registered guide, special guide, class
6 A assistant guide, or assistant guide to fail to timely report to the
7 Department of Public Safety, division of fish and wildlife protection,
8 and in no event later than 30 days, a violation of a state fish, game,
9 or guiding statute or regulation that the guide reasonably believes
10 was committed by a client or an employee of the guide;

11 (2) a guide^{*} to commit or aid the commission of a violation
12 of this chapter or of a state game or guiding statute or regulation or
13 to permit the commission of a violation that the guide knows or rea-
14 sonably believes is being or will be committed without attempting to
15 prevent it, short of using force, and without reporting it;

16 (3) a person to guide without having a current valid guide
17 license and resident hunting license in actual possession;

18 (4) a person to advertise as or represent to be a guide
19 without holding a current valid guide license;

20 (5) a guide to intentionally obstruct or hinder or attempt
21 to obstruct or hinder lawful hunting engaged in by a person who is not
22 a client of the guide;

23 (6) a person to guide without being validly licensed as a
24 guide under this chapter and as a resident hunter under AS 16;

25 (7) an assistant guide to contract to conduct a guided
26 hunt;

27 (8) an assistant guide to be in the field on a guided hunt
28 except while employed and supervised by a registered or master guide.

29 * Sec. 21. AS 08.54.210(b) is amended to read:

* new public safety

1 (b) A person who violates (a)(1) - (5) [(6)] of this section is
 2 guilty of a misdemeanor and upon conviction is punishable by a fine of
 3 not more than \$1,000 or by imprisonment for not more than one year, or
 4 by both, and the person's license may be revoked for a period up to
 5 five years. However, a person who engages in guiding [OR TRANSPORT-
 6 ING] activity during the period for which the person's license is
 7 suspended or revoked under this chapter, or who violates (a)(6) - (8)
 8 of this section, is guilty of a felony punishable, upon conviction, by
 9 a fine of not more than \$5,000 and by imprisonment for not less than
 10 one year nor more than three years. In addition to punishment for a
 11 felony, all guns, fishing tackle, boats, aircraft, automobiles or
 12 other vehicles, camping gear and other equipment and paraphernalia
 13 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
 14 during the period of suspension or revocation ^{*}may [SHALL] be seized
 15 [CONFISCATED] by persons authorized to enforce this chapter and may be
 16 forfeited to the state as provided under AS 16.05.195. [A PERSON WHO
 17 VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO THE
 18 SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) - (6)
 19 OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT MORE
 20 THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
 21 BOTH.]

22 * Sec. 22. AS 08.54 is amended by adding a new section to art. 3 to
 23 read:

24 Sec. 08.54.230. RECORDS OF GUIDED HUNTS. The Department of
 25 Commerce and Economic Development shall collect and maintain records
 26 of hunts conducted by guides. The department shall make the records
 27 available to state and federal agencies charged with the enforcement
 28 of statutes and regulations relating to guiding or game if requested
 29 for enforcement purposes. For all other purposes, the records are

1 confidential and are not subject to inspection or copying under
2 AS 09.25.110 - 09.25.121.

3 * Sec. 23. AS 08.54.240 is amended to read:

4 Sec. 08.54.240. DEFINITIONS. In this chapter

5 (1) "big game" means brown bear, grizzly bear, polar bear,
6 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
7 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

8 (2) "board" means the Guide [LICENSING AND CONTROL] Board;

9 (3) [(2)] "guide" [, "GUIDES"] or "guiding" means accompan-
10 ying or directing a hunter in the field, personally or through an
11 assistant, for compensation or with the intent or an agreement to
12 receive compensation, while the hunter or the person accompanying or
13 directing the hunter spots, stalks, pursues, tracks, kills, or at-
14 tempts to kill big game; in this paragraph, "in the field" does not
15 include being present in a boat with living quarters or at a lodge or
16 base camp [ASSISTING ANOTHER PERSON TO TAKE GAME WITH THE INTENT OF
17 RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE SERVICES, BY
18 ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR THROUGH A LI-
19 CENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT, AND NOT SOLELY FOR
20 THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

21 (4) [(3)] "resident" has the meaning given in AS 16.05.940
22 [MEANS A PERSON WHO

23 (A) MAINTAINS A PLACE OF RESIDENCE WITHIN THE STATE;

24 (B) REPEALED

25 (C) SHOWS BY ALL ATTENDING CIRCUMSTANCES THE INTENTION
26 TO PERMANENTLY RESIDE IN THIS STATE];

27 (5) [(4)] "restricted guide area" is a geographical area of
28 the state the boundaries of which are determined by the board, and in
29 which guided hunts may be conducted only by the guides to whom the

1 area is assigned under AS 08.54.195 ["TRANSPORTING" OR THE "ACTIVITY
2 OF TRANSPORTING" MEANS CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN
3 AREA FOR REMUNERATION OR MATERIAL BENEFIT IN EXCESS OF NORMAL OPERAT-
4 ING COSTS, WHEN THE PRIMARY PURPOSE OF THE PERSON BEING CONVEYED IS
5 THE TAKING OF BIG GAME AND THE ASSOCIATED REMOVING OF BIG GAME MEAT
6 AND PARTS OF BIG GAME AFTER BIG GAME HAS BEEN TAKEN; BIG GAME AS USED
7 IN THIS PARAGRAPH MEANS GAME WHICH, IF TAKEN BY A NONRESIDENT, WOULD
8 REQUIRE A BIG GAME TAG];

9 (6) [(5)] "unethical activity" means

10 (A) deception or misrepresentation [IN ANY DEGREE]
11 involving prospective or actual clients either before, during, or
12 following a contract hunt, including misrepresentation through
13 private or public advertising of the type, duration, cost or
14 conditions of the contract hunt [HUNTS];

15 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMU-
16 NICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION,
17 COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

18 (C)] making a guaranty that a species or certain
19 number of species of game will be taken on a contract hunt;

20 (C) engaging in unsafe or unsportsmanlike activities
21 that are detrimental to the game resources of the state, as
22 defined by regulations of the board, including violations of
23 state hunting or guiding statutes or regulations; or

24 (D) accepting a deposit for guiding services without
25 providing before the hunt a signed contract to provide the ser-
26 vices.

27 * Sec. 24. AS 16.05.407(a) is amended to read:

28 (a) It is unlawful for a nonresident to hunt, pursue or take
29 brown bear, grizzly bear, polar bear, or sheep in this state, unless

1 personally accompanied by

2 (1) a person who is licensed as a master guide, registered
3 guide, class-A assistant guide or assistant guide by the Guide [LI-
4 CENSING AND CONTROL] Board; or

5 (2) a resident over 19 years of age who is

6 (A) the spouse of the nonresident; or

7 (B) is related to the nonresident, within and includ-
8 ing the second degree of kindred, by marriage or blood.

9 * Sec. 25. AS 16.05.407(d) is amended to read:

10 (d) A nonresident who violates (a) [OR (c)] of this section, or
11 who fails to furnish an affidavit under (b) of this section, is guilty
12 of a misdemeanor and upon conviction is punishable by imprisonment for
13 not more than one year, or by a fine of not more than \$5,000, or by
14 both.

15 * Sec. 26. AS 39.50.200(b) is amended by adding a new paragraph to
16 read:

17 (48) the Guide Board.

18 * Sec. 27. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
19 05.340(e) and 16.05.407(c) are repealed.

20 * Sec. 28. This Act takes effect July 1, 1986.
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SECTIONAL ANALYSIS
HCS CSSB 294 (Res)

- Section 1: Deletes language in the title of the Board, so that it reads Guide Board. This deletion is contained throughout the bill.
- Section 2: Extends the sunset date for the Guide Board to June 30, 1990.
- Section 3: States the purpose of the Guide Board, including new language relating to wildlife conservation, and puts it under the Department of Commerce and Economic Development.
- Section 4: Gives the length for a term of office for members serving on the Guide Board.
- Section 5: Outlines the requirements for the Board to conduct business.
- Section 6: Outlines the duties and responsibilities of the Board in conducting its business for the purpose of regulating the guiding industry. This section includes new language intended to bring more consistency to the licensing and regulating of guides. It also provides for guidelines in areas of testing requirements where applicants do not have a good grasp of the English language and insures the meetings of the Board will be more accessible to members of the industry by requiring at least one meeting a year outside of Anchorage.
- Section 7: This section puts into statute existing regulatory language allowing for residents of the Arctic Coastal region to acquire a special guide license for the purposes of guiding marine mammals.
- Section 8: Outlines the requirements for obtaining a registered guide license. This section includes some new language which makes more specific certain requirements and also provides for a new alternative making the requirements for qualifying to go through the testing procedures more reasonable.
- Section 9: Allows for a procedure for qualified applicants wishing to obtain a registered guide license to go through the Commissioner if through administrative procedures it is found the Board erred in disqualifying the applicant.

- Section 10: This section outlines the privileges and limitations of an assistant guide.
- Section 11: This section relates to the Department's responsibilities in setting fees for the various categories of guide licenses.
- Section 12: Outlines the procedures by which qualification examinations will be conducted.
- Section 13: Puts the licensing of guides on a biennially basis.
- Section 14: This is a new section relating to restricted guide areas. This allows the guide industry to be regulated for purposes of wildlife conservation by restricting guides to certain geographic areas; thereby creating the need for the guide to become involved in wildlife management in order to perpetuate his or her economic future. This section also requires the Board to use consistent and equitable criteria whenever transferring or creating restricted guide areas and also bars a guide from selling his or her guide area.
- Section 15: Outlines the requirements under which the Board must follow when disciplinary action is to be taken against a guide.
- Section 16: This section states the reasons for which the Board may revoke or suspend a guide's license and also adds new language which allows the Board to withdraw the guide's restricted area at the time of a license revocation.
- Section 17: Section 17 is the same as Section 16, except that it provides the guidelines for which a guide's license shall be revoked and his or her restricted guide area withdrawn.
- Section 18: This section provides the factors where a person who's license has been revoked or suspended may not act in the capacity of a guide, nor be hired to work for someone who is licensed as a guide.
- Section 19: Provides new language which allows the board to suspend a guide's license during disciplinary proceedings if a judgement of conviction is filed with the Board. It further adds that a judgement of conviction is conclusive evidence that an offense was

committed. Section 19 also requires the Board to give notice of the results of a hearing held under AS 08.54.200(a) or a written statement giving reasons for not taking disciplinary action within 30 days after the decision to the complainant.

- Section 20: This section outlines those acts which are unlawful under AS 08.54.210(a). Most of this section is similar to existing statutes and regulations governing the guide industry; however, there is also some new language. Under this section, it would now become illegal for a guide to obstruct or hinder other hunters out in the field. It would also become illegal for someone to act as a guide without being licensed both as a registered guide and a resident hunter.
- Section 21: Provides for the penalties associated with those acts designated as unlawful under AS 08.54.210(a). New language in this section makes it a felony to guide or act as a guide without holding a registered or master guide license or resident hunting license.
- Section 22: Adds a new section requiring the Department to keep a record of all hunts conducted by guides and to keep them confidential except to appropriate state agencies for purposes of enforcement.
- Section 23: Contains the definitions for terms used within this section. The major changes are in the definition of guiding. The new definition would disallow persons not licensed to personally accompany another person while hunting and receive compensation for such services. The other significant definition with new language is under unethical activity. The new language here would remedy most of the circumstances of unethical business activities promulgated by a guide over a client.
- Section 24: This section adds class-A assistant guides to the list of guides required for nonresidents to hunt dall sheep, polar bear and brown/grizzly bear.
- Section 25: Provides for the penalty received by a nonresident who violates the conditions outlined in AS 08.54.407(a).
- Section 26: Adds Guide Board to the list of Boards and Commissions under AS 39.50.200(b)

Section 27: This section repeals various statutes related to the guide industry which no longer apply or are no longer necessary.

Section 28: Provides for the effective date.

HOUSE
COMMITTEE REPORT

5/2

(9)

Date referred: 4/18/86

FURTHER REFERRALS:

Rules

DATE: May 2, 1986

The RESOURCES Committee has considered CSSB 294 (Res) an
"An Act relating to guiding; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCS CSSB 294 (Resources) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Shultz *Dick Shultz*

Herrmann *Adilheid Herrmann*

Jenkins *Roger Jenkins*

Pearce *William Pearce*

Cato *Bette Cato*

Thompson *David W. Thompson*

John Sund *no rec*

Dick Shultz
Co-Chairman *shultz*

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD, GOVERNOR

ROBERT J. SUNDBERG
COMMISSIONER

P. O. BOX 5188, ANNEX
ANCHORAGE, ALASKA 99502

February 28, 1983

Clark Engel, Master Guide
4129 Lana Court
Anchorage, Alaska 99504

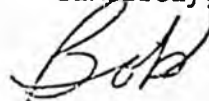
Dear Clark:

During the past few years the guiding industry through the Guide Board has made substantial improvements in cleaning up the industry and improving the image of guiding in Alaska. The Guide Board distribution of exclusive guide areas and it's thorough investigations of accusations made against members of the guiding industry have gone a long way to improving the guiding business in Alaska.

With over 1,100 licensed guides, ranging from Master Guides to Assistants it takes a well coordinated effort to ensure that the same standards are applied by the guiding industry throughout the state. The industry has an impact upon tourism and upon the image of the state of Alaska through the sportsmen that it caters to. This Board has helped standardize the practices and procedures through which the guides have operated thereby giving the guiding industry in Alaska a good image on the outside. From a law enforcement standpoint, during the past few years we have seen a steady decline in the number of guide related violations. In fact, in FY-82 of the commercial users of the resource, the guiding industry had one of the lowest of violation rates of any in the state. I think this speaks highly on the industry and this trend should be continued. Guiding has a role in Alaska and how big that role will be will depend entirely upon the activities and the image of the industry.

Clark, this isn't much but I hope this will give you and your members some idea of how I felt the industry has progressed and the usefulness of the Board during my few years of association with them.

Sincerely,



Colonel Robert J. Stickles
Director

RJS/rt

Illegal Commercial Operations Affecting the Alaska Professional Guide

by Robert Boutang
Alaska Department of Public Safety
Fish and Wildlife Protection
Statewide Investigations

In 1973 the Guide Licensing and Control Board was formulated as the regulatory body for the guiding industry. In the mid 1960's to the mid 1970's, drastic regulation changes in seasons, bag limits and methods of taking game had a direct impact on many of the guiding operations.

These ten years of regulation changes had the most direct impact on the guiding industry. During these ten years, the brown bear season on the Alaska Peninsula was cut from nine months per year to four weeks every two years. The use of aircraft was also severely limited by regulation. It was understandable with the numerous statute and regulation changes that did occur in such a short period of time, that some guides found it difficult at best to adapt their guiding operations to meet the changing times. What were legal methods of hunting

one day were all of a sudden illegal the next.

In many cases, however, some guides did operate as though there were no restrictions on the methods and means of taking big game. We did, in fact, have guides who operated with little fear of being apprehended in the commission of a crime.

In 1972, one of the enforcement priorities established within the Division of Fish and Wildlife Protection was the illegal guides who persisted in continually taking big game animals unlawfully.

Through the efforts of the Guide Licensing and Control Board in establishing standards, regulations and exclusive and joint use areas, in conjunction with a concerted enforcement effort taken by the Division of Fish and Wildlife Protection in the 1970's, we have seen a dramatic decline of the flagrant illegal guide operations.

The State of Alaska can take pride in the fact that we now have a professional guiding industry that provides an outstanding service to a clientele from all

over the world and the revenue that is generated from the guiding industry is one that benefits many people and businesses inside the State of Alaska.

Today, we face a new problem that concerns and affects the professional Alaskan guides, the public and State of Alaska. This concern is the unlicensed individuals who are in fact booking clients and acting as guides. It is now known that there is more illegal unlicensed guiding activity than anyone thought existed.

This is one concept of illegal guiding which virtually has never before been worked by Alaska Fish and Wildlife Protection. The Investigative section of Fish and Wildlife Protection is now developing intelligence regarding this problem. The Division has established unlicensed guiding operations as one of our main enforcement priorities.

We found some of these so-called outfitters (unlicensed guides), who provided drop-off type hunts, were actually going so far as to personally accompany the clients in the field; calling in

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moose, using aircraft to drive and herd animals and using radio communications to aid and take animals.

Once such unlicensed guide showed a client (undercover hunter) a check which was two times the amount of a regular hunt and he said, "This is what I get for my hunts and I produce more record book animals than anyone in Alaska and I don't even have a guide license."

Another unlicensed guide, who recently pled guilty, took a client (undercover hunter) in Game Management Unit 9, Katmai National Park, during the off season and killed a brown bear the same day he was airborne. He also tried to solicit our hunter into getting him more clients. This is the type of people we are dealing with; they have no respect for the legal guides or the resources.

This year our Investigative section investigated two outfitters (unlicensed guides) who took approximately 40-50 moose each in a two-year period. That is putting a serious dent in someone's exclusive guiding area and in Alaska's moose population. These illegal non-licensed guides are going into honest hard-working professional guides' areas and stealing the resources and giving hunting and the professional guides, through the publicity, a bad name. The licensed guides, hunters, the general



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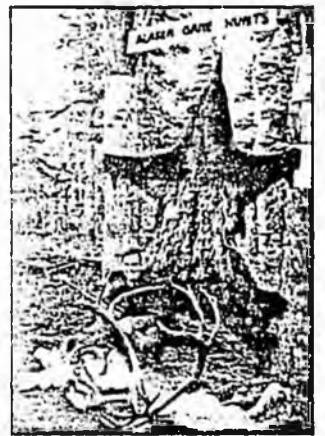
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Record Class Spring Grizzly taken by John Macaluso of Murrys ville, Pennsylvania 1985

public and the wildlife are all the victims

These types of illegal operations have a direct effect on the licensed professional guide whereas the licensed guide must adhere to statutes and regulations which affect his operations.

While we do have the problem of unlicensed guides in Alaska, we first have to identify the people involved. To do this, we need all the help we can get from the Guide Board, professional guides and the concerned citizens.

In addition, it is extremely important that the Guide Board, professional guides, concerned public, and our Division continue to mutually cooperate in identifying individuals who are unlicensed and are acting in the capacity of licensed guides.

The unlicensed guides do not have to follow any laws. They are not bound by restrictions or ethics and in many cases, they have a total disregard for the resources and other guides. They take game anytime and place and use any methods they want to.

Only through the continuing cooperation of all of us working together can we hope to reduce the illegal unlicensed guiding operations that exist in the State of Alaska.

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Charter Life Sustaining membership's final issuance was December 31, 1984. However, another classification was created which is referred to as Life Sustaining membership offered for \$250.00 instead of the \$200.00 Charter Life Sustaining offer. The following person has joined as a Life Sustaining member:

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A PERFORMANCE REPORT ON THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
GUIDE LICENSING AND CONTROL BOARD

November 21, 1985

Audit Control Number

08-1253-86-R

Commissioner, Department of
Commerce and Economic Development

Loren H. Lounsbury

Deputy Commissioners, Department of
Commerce and Economic Development

Terry Elder
Greg Baker

Members of the
Guide Licensing and Control Board

Chairman
Member
Member
Member
Member
Member
Member

Ray McNutt
Edward J. Shavings, Sr.
Douglas Pope
Charles Weir
Poldine Carlo
Ralph G. Fenner
James Harrower

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

November 22, 1985

Members of the Legislative Budget
and Audit Committee:

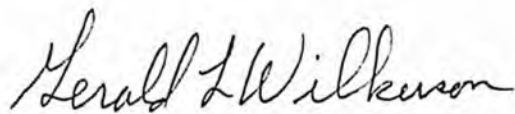
In accordance with the provisions of Titles 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT ON THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
GUIDE LICENSING AND CONTROL BOARD

November 21, 1985

Audit Control Number

08-1253-86-R



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE AND SCOPE OF THE REPORT

Purpose

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Guide Licensing and Control Board for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Guide Licensing and Control Board should be reestablished. The law now specifies that the Board will terminate June 30, 1986 and will have one year from that date to conclude its affairs.

Scope

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Interviews with the license examiners.
3. Tests of files and documents of licensees.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General Opinions applicable to professional boards.

ORGANIZATION AND FUNCTION

The Guide Licensing and Control Board was established by the 1973 Legislature and succeeded the Board of Fish and Game, Department of Fish and Game, which previously had regulated the guiding industry. The seven member Board is appointed by the Governor with confirmation by the Legislature and is restricted to having no more than three members as licensed guides. Board members serve staggered terms of three years or until their successors are appointed.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing. The Division assists the Board in the performance of their duties by providing administrative, licensure, and investigative support.

By law, a nonresident may not hunt, pursue, or take brown bear, grizzly bear, polar bear, or sheep in Alaska unless personally accompanied by a licensed master, registered, or assistant guide. Nonresidents hunting with an Alaskan relative are exempt from this requirement. The Guide Licensing and Control Board was appointed in part to protect these nonresident hunters from incompetent individuals holding themselves out to be qualified Alaskan guides.

The function of the Board is primarily regulatory, mandated by AS 08.54.040. Accordingly, the Board has the capacity to administer examinations, determine qualifications of guides, establish performance standards and regulate activities, maintain guide registers, prohibit harmful guiding activities, conduct hearings regarding licensure, and establish quotas of guides for specified geographical areas (exclusive guiding areas). The Board, through the assignment of exclusive guiding areas, limits hunting pressure by guides within a specific geographical area.

In addition, the Board licenses "transporters"; a licensed "transporter" is a person who transports hunters for hire.

REPORT CONCLUSION

Policy Issues

This report contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the Guide Licensing and Control Board should be reestablished. The regulation and licensing of qualified guides is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum qualification and experience requirements that provide reasonable assurance that persons licensed are both capable of safely conducting guided hunts and familiar with their prospective guiding areas. Assurance that those licensed act in a competent manner is also provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

However, the following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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